

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GABRIEL ALFREDO ORTEGON-  
JIMENEZ,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 2:23-cv-01270-DJC-JDP (HC)

ORDER

Petitioner, a federal inmate proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 4, 2024, the Magistrate Judge filed findings and recommendations herein which were served on all parties, and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. No objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be

1 supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed January 4, 2024, ECF No. 12, are  
4 adopted in full;

5 2. This action is dismissed without prejudice for failure to prosecute and failure  
6 to comply with court orders, for the reasons set forth in the November 27, 2023 order;

7 3. Respondent's motion to dismiss, ECF No. 10, is denied as moot;

8 4. The Court declines to issue the certificate of appealability referenced in 28  
9 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a  
10 constitutional right, see 28 U.S.C. § 2253(c)(2); and.

11 5. The Clerk of Court is directed to close this case and to enter judgment  
12 accordingly.

13  
14 Dated: March 1, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE